

***Draft Action/Summary Minutes***  
**City of Sedona**  
**Planning & Zoning Commission Meeting**  
**Vultee Conference Room, Sedona City Hall, Sedona, AZ**  
**Tuesday, October 19, 2010 - 3:30 p.m.**

**1. Verification of Notice, Call to Order, Pledge of Allegiance and Roll Call.**

Chairman Gillon called the meeting to order at 3:30 p.m.

**Roll Call:**

**Planning & Zoning Commissioners:** Chairman Alex Gillon, Vice Chairman John Griffin and Commissioners Michael Hadley, Alain Soutenet and Norm Taylor. Commissioner Marty Losoff was excused.

**Staff:** Nick Gioello, Kathy Levin, John O'Brien, Donna Puckett, Mike Raber and Ron Ramsey

**Council Liaison:** Mike Ward

*[Note: Chairman Gillon indicated that agenda items 7 and 8 were going to be moved in front of items 5 and 6 to accommodate some participants.]*

**2. Commission/Staff announcements and summary of current events by Chairman/staff.**

John O'Brien indicated that if the Medical Marijuana proposition on the ballot is approved, the City would have about 120 days to get an ordinance adopted that would be an amendment to the Land Development Code, and the City Attorney's Office is working with staff on that. If that passes, it would probably come to the Commission in December. John explained that the nature of the ordinance would be to restrict the dispensaries to certain zoning districts and specify a minimum distance between dispensaries and from churches, schools, etc.

**3. Approval of minutes for the following meeting:**

**Tuesday, September 7, 2010 (R) and Tuesday, September 21, 2010 (R)**

Chairman Gillon indicated that this item is for approval of the minutes of September 7th and September 21st.

***MOTION: Vice Chairman Griffin moved to approve the minutes as stated. Commissioner Hadley seconded the motion. VOTE: Motion carried five (5) for and zero (0) opposed. (Losoff excused)***

**4. Public Forum – for items not listed on the agenda within the jurisdiction of the Planning and Zoning Commission – limit of three minutes per presentation. (Note that the Commission may not discuss or make any decisions on any matter brought forward by a member of the public).**

*Chairman Gillon opened the public forum and having no requests to speak, closed the public forum.*

**7. Discussion regarding the Update of the Sedona Community Plan and reports from Working Teams.**

Mike Raber indicated that in the packet is an update of the activity since August 17th; last month we discussed the Council's appointments to the Steering Committee. Staff presented a draft scope for the Steering Committee to the City Council on October 12th and distributed that draft to P&Z last month. Comments were received from some Council and Steering Committee members, and a couple of things were brought up. One was to clarify that the Steering Committee is leading the public outreach and will direct the outreach that will be conducted by Commissions, if that comes up in the course of the Community Plan update, so the relationship between the Steering Committee and the Commissions is being clarified. Another item was to include a strategy to get input from specific target groups, and that has been included in the draft that is going to the Committee next month.

Mike indicated that one of the Steering Committee members suggested using the term "public engagement" rather than "public participation" and "community engagement" might be an even better term, so the public participation process may be defined in those terms, because it is a little more meaningful in terms of what we are trying to do with the public.

Chairman Gillon indicated that this is on the agenda of the Steering Committee and there is going to be discussion of this draft and amendments from the Steering Committee, so he would invite Commissioners to send any comments to staff, so they can be forwarded to him for the meeting on the 16th.

Mike Raber explained that the Council directed staff to take the draft to the Steering Committee to be finalized, and then it will be taken back to the Council for approval, along with the public participation procedures as a package. To move forward with a public participation plan, we have to amend those procedures by resolution, as that is a legal requirement, so that will be one of the first things the Steering Committee will do. The Committee's first meeting is on November 16th, so we will not have a P&Z meeting that day.

Mike indicated that for their first few meetings, they will finalize the scope and the public participation procedures as high priorities, and he has it on the list to eventually schedule a joint meeting with Planning & Zoning, so you may want to be thinking about what you want to focus on in that meeting. He knows that P&Z discussed that being an important meeting to do early on, but we have to address those other two things first.

Mike stated that another round of meetings was scheduled with the community organizations to keep them updated and Kathy has updated the PowerPoint presentation, which was shown to the Forest Service a couple of weeks ago. Additionally, the Format Working Team's focus is to rewrite the Land Use Element as a test to look at options to create a more user-friendly document and to better organize the goals and objectives. One of the results hopefully will be to provide a way to more easily convey what is in the plan document to the public, as far as the status of the existing plan. We can vastly shorten what we have in there, as a communication tool for the public. Elemer Magaziner, one of the Steering Committee members, has been actively working with the Working Team since May, and he has some good ideas about organization. Once we get it finalized, we will take it back to the Working Team, and then to the Steering Committee. We are probably about half-way from completing that element and we will forward it to the Working Team for the next meeting.

Mike explained that the intern, James Gardner, tried to rewrite that pulling in the Regional and Community Facilities Elements into the Land Use Element, but after Mike reviewed it, he didn't think the Regional Element belonged there -- it is more of a Growth Area, Open Space piece, so he is not looking at pulling that in. The Community Facilities Element and the Land Use Element can be

melded together. The Vision Statements were taken out and merged with the goals, and for example, we had 17 goals just in the Land Use and Community Facilities Elements and by rewriting them and removing the repetition, we got them down to 8 goals. There are 40 objectives in the Land Use Element alone and we got it down to 19 objectives by condensing it and eliminating the duplication, so there is a vast amount of editing that can be done without changing any content, to make it a much smaller element. Once that is done, P&Z will get copies of that.

On Saturday, staff attended a grassroots community meeting organized by a citizen to hear perspectives from some of the younger families in the community regarding their needs. There weren't a lot of people there, but we did get an interesting perspective of mostly a communication issue in getting information out to the younger families, and part of it is the reality of their inability to come to meetings, so looking for alternatives to meetings for that demographic will be important.

Chairman Gillon indicated that one of the mandates on the scope of this document is to provide a user-friendly document for the general public, so getting this to a more condensed document is going to be an important part of the work by the Steering Committee and the Planning & Zoning Commission.

Kathy Levin reported that the Sustainability Working Team had two recent meetings focusing on providing the team with more education. Speakers were invited, including Jennifer Wesselhoff from the Chamber. The two most important points were that she conducted a survey of all of the member businesses and 20% responded to the questionnaire, which was how green is your business. Jennifer shared preliminary data, but she hadn't analyzed it nor presented it to her board, so she will follow-up, and then we will be able to share that. The other point was that a Sustainability Affinity Group was put on hold pending the creation of the Sustainability Commission.

Katrin Themlitz with the Farmer's Market was also invited and she will continue to offer a two-season market, but she also educated the team on the challenges and benefits of being behind that kind of organization. Katrin would like to enhance promoting new farming, spending more time in educating the public in backyard gardening and providing more education in the schools. The team felt it was important to know more about her efforts in order to know more about agriculture, in supporting crops in the Verde Valley.

Chairman Gillon indicated that other communities have community gardens and asked if that has ever been dabbled in within Sedona. Kathy explained that the schools have brought those in for students, and at the high school level, they involve the students that want to get involved. John O'Brien added that is one option for the Sustainability Commission to look at. The Council will be talking about the scope of work for the Sustainability Commission on the 26th.

Commissioner Hadley indicated that those two meetings were fascinating in what the two guests were doing; they were good meetings. Commissioner Soutenet added that the team is trying to cover every aspect of sustainability and the next is going to be water. Vice Chairman Griffin indicated that sewer should be another one. He recently toured the wastewater plant with someone who is interested in Vermiculture, which is a process that could reuse all the sludge from the sewer plant that currently has to be taken to the landfill. There are a lot of things that could be done and one day we might even have a composting center and a transfer station, which would allow us to do a lot of things.

Commissioner Soutenet indicated that he understands this is just a draft for the public, but asked if there is going to be a better definition of the format for the collaboration between the Steering Committee, City Council and Commissions. Mike indicated that is one of the details that needs to be worked out, but we wanted to talk with the Steering Committee first, although that is one of the key areas that needs to be defined, and we had discussed the Chairs possibly attending each other's meetings. Commissioner Soutenet noted that in the beginning, we were looking at the flow charts, and

that was kind of thrown out, but we may want to go back to that in a simple format. The other point is since we have already started with working teams for specific topics, is there going to be a correlation between different aspects of the work between the Steering Committee and how that relates to the working teams' work? Again, it is back to the charts and demonstrating how we aren't creating a redundancy, so there is a seamless collaboration or gathering of information and public participation. At one point he had suggested expanding the working teams into more public participation meetings by bringing in multiple experts in the field of sustainability, but we felt that would be a quest for the Steering Committee now, so that is something he would like to understand a little better.

Chairman Gillon indicated that he would guess that at the very least if the working teams continue, there would be a common working team rather than one under Planning & Zoning and another one under the Steering Committee, but we do need more of a definition. Vice Chairman Griffin added that it is important to have the meetings with P&Z and the Sustainability Commission. The lack of communication with P&Z when the Housing Commission got started didn't work well, so he would hope that there is interaction with P&Z, because some of the things are planning issues that will need to be incorporated into P&Z's process and vice versa.

Commissioner Soutenet pointed out that in addition to the Sustainability Working Team and the efforts on sustainability from the Steering Committee, we will also be having a Sustainability Commission, so we are creating the potential for a lot of redundancy unless there is very clear communication or collaboration. Mike Raber indicated that once we have the structure formed to take up the same topical areas, we would discontinue doing any redundant work; we wouldn't continue with the working team if we had another team formed for instance. Then, it would be a matter of taking what work has been done and making sure the new group has access to that.

Chairman Gillon asked if Community Development is the staff for the Sustainability Commission and John O'Brien indicated yes, it would be Audree Juhlin. The Chairman indicated that at some point the question that would have to be asked of the Sustainability Commission and perhaps other Commissions is what role the Commissions expect to play in the Community Plan update. John O'Brien explained that they won't meet until January. The Steering Committee will take the lead in public participation and the Commissions will assist, but you are right that each Commission needs to let the Steering Committee know what the Commission wants to work on.

Vice Chairman Griffin asked if there has been any discussion about a P&Z Commissioner being on the Sustainability Commission and John O'Brien stated no, but legally you can be on more than one Commission. Chairman Gillon clarified the question was in relation to having a P&Z rep. Vice Chairman Griffin indicated that would be an easy way of keeping P&Z in the loop; it would be a separate Commission, but it might be advantageous to have a representative. When we do stuff separately, it then sometimes becomes an issue and that way we would all be moving along at the same point.

Commissioner Soutenet indicated that he agreed, and then referenced a note from the state that extended the time limit for the revisions and asked how that affects what is happening. Mike Raber explained that he doesn't see it as having any affect. The legislature gave more time on getting the plans updated, primarily in response to some cities and towns that depend on consultants not being able to hire anybody in this economic situation, but he doesn't see that affecting our timeframe and he wouldn't want us to slow down, although in the eventuality that we couldn't make an election cycle, it would give us another cycle to get into the process if we had to go to the next election year, so we have a lot of leeway. It gives us until July of 2015, but the bottom line is do we need the plan updated and the answer is yes.

*No legal action was taken.*

**8. Public comment regarding the Update of the Sedona Community Plan.**

*The Chairman opened the public comment period and having no requests to speak, closed the public comment period.*

**5. Discussion/possible direction regarding amending and/or establishing additional criteria for time extension requests.**

John O'Brien recapped that the Commission has had two meetings on this topic and the last one was on September 21st. Staff drafted the new consensus language from that last meeting, and it is in the two pages provided. The opening language in italics is the existing language, and then the proposed language follows that. This same language would be applied to the Development Review, Conditional Use Permit and the Rezoning sections of the Code. The idea is to attempt to reach consensus today and present it to the Council at the joint meeting on December 16th.

John indicated that some of the highlights in the proposed language include two opportunities for extensions; the first one would be for a maximum of a two-year period based on the listed criteria, and the second time extension would be for a maximum of five years from the expiration of the first time extension, and in no case would there be more than seven years total extension granted with this language. For the second extension, it also has to meet the same criteria used to evaluate the first extension and the Council and Commission would also consider the complexity of the project and identify the specific circumstances that warrant the second extension. The other change is in B.3 and it came up in the Falls at Oak Creek project. The City Attorney suggested the language say, ". . . In either instance, the applicant is also current on all city fees, including wastewater billing charges, has no code violations or environmental, health and safety issues existing on the property."

John O'Brien indicated that staff thinks the essence of the Commission's consensus has been captured. Chairman Gillon referenced the fourth line from the bottom of the page and indicated that when he read it, it sounded like they could have a second time extension and there may or may not be exceptional circumstances. We would like to say that there must be exceptional circumstances to warrant a second time extension, and then we can delete "In such cases". The next sentence would just say, "The second time extension must meet the following criteria." The Chairman summarized the changes in the fourth line from the bottom to be "may" would be changed to "must" and "that" would be changed to "to", and at the beginning of the next sentence, the words, "In such cases" would be removed. Other than that, the proposed language reflects what the Commission discussed in the last meeting.

Commissioner Soutenet indicated that for the sake of a consensus, he would support the proposal with one exception; he believes that the seven year total is excessive and should be reduced to five years total. Chairman Gillon indicated that would be a two-year extension and a three-year second extension. Commissioner Soutenet questioned if in the past the Commission had given over five years and the Chairman indicated that one was unlimited. The Vice Chairman added that other than that, he doesn't think the Commission has. Commissioner Soutenet asked what application would warrant up to five years on the second extension, to him that is excessive. We are talking about seven years from the time of application and that would send a message to the applicants to use the process for speculation purposes, which is something we were trying to eliminate. He doesn't see the point of giving seven years.

Vice Chairman Griffin pointed out that for the second extension there needs to be exceptional circumstances; it is not automatic. Commissioner Soutenet questioned even giving it a time limit

then; he thinks it should be more restrictive. It is opening the field to a seven-year hiatus from development for the expectation of a resale, etc. Vice Chairman Griffin agreed, but noted that it also locks in a good project like existing zoning does, so we could look at it both ways. The person may have done the community benefits part of it; he is not a big fan of numbers anyway, because they do bite us in the end. The situation needs to be evaluated, but in general, he agrees that five years is plenty of time. Commissioner Soutenet asked if there have been any projects that went beyond five years and Chairman Gillon interjected that the real question is if we have had any project that took more than five years, but was implemented. John O'Brien stated no, the Preserve at Oak Creek had a two-year approval, and then another two-year extension and they didn't perform in four years.

Commissioner Soutenet stated that if in five years a project hasn't come to fruition, the odds of it going anywhere are so slim, why are we opening the field any further? Vice Chairman Griffin indicated he could go along with three years for the second one, so it would be two years and three years, not to exceed five years total.

Commissioner Taylor asked for an example of an exceptional circumstance and the Chairman indicated project complexity. Staff suggested it could also be something that happened to the developer or the economy, like nobody would loan money for the last three years, etc. Vice Chairman Griffin noted that it would have to be evaluated.

Vice Chairman Griffin confirmed that the italicized language is existing language with John O'Brien and he then asked what "supporting development improvements" are. Staff indicated it could be roads, infrastructure, etc. Vice Chairman Griffin pointed out that the first one is significant property improvements that could be infrastructure; however, staff explained that there could be off-site infrastructure, like turn lanes and contributions to affordable housing, etc.

Commissioner Taylor referenced the Cultural Park with several functions proposed and asked if they would be expected to build it all at once. Nick Gioello explained that it would be spelled out in their phasing schedule while going through the Development Review process. Commissioner Taylor indicated that a project like that could extend to twelve years easily. Chairman Gillon indicated that an example of an exceptional circumstance could be that they planned to do the Wellness Center first, but they have some partner in the Wellness Center that can't do that first, so they would need an extension. Commissioner Taylor explained that he is trying to relate it to a time extension; when a time extension is given, what are we giving it for? John O'Brien explained it is for the start of construction, and even if it was a phased project that would be built over ten years, if they got under construction for Phase I and kept going, he thinks they vest the project, because they have a building permit and they are under construction and moving it toward a Certificate of Occupancy, so he would say it is vested.

Commissioner Soutenet asked about the example of KFC and John O'Brien explained that the original approval was for two years, and they started construction within those two years and continued making progress until lately, when they had the bankruptcy. They had to get a building inspection every six months, which showed that they were moving forward. Commissioner Soutenet asked about a cut-off date and John O'Brien indicated that if they hadn't gotten an inspection within six months, we could have said the permit was dead, but we wouldn't have gained anything by doing that. We wanted to work with them to keep it moving. Chairman Gillon pointed out that really has nothing to do with the time extension we are discussing.

Commissioner Taylor again referenced the Cultural Park and asked if, in a case where there are several different projects, they could pull a permit for just one of the projects. John O'Brien repeated that if they got a building permit and continued construction of that first phase, moving

toward completion, and got the C of O, then he thinks they have vested the project and he is not sure you could table the other phases, even based on their phasing schedule; he thinks that could be an issue.

Vice Chairman Griffin pointed out that was a strong support in George Moore's project, because he had done the first phase and turned the property over for the open space, and then it was derailed by the economy. Chairman Gillon mentioned that the same thing happened with Park Place; they developed three or four buildings, and then they have done nothing since. John O'Brien explained that they came back to the Council a couple of years ago and they have to get underway by 2013. John O'Brien also mentioned that the Hampton Inn Phase II has been about 15 or 16 years. The Chairman confirmed with staff that if they start over it includes updating to all current codes, etc.

The Chairman indicated that the Commission just achieved consensus and John O'Brien explained that it would be presented to Council at the joint meeting to get their thoughts, and if the green light is given, it would go to public hearing with P&Z and back to Council for a formal public hearing.

Vice Chairman Griffin asked about the need for a motion and staff pointed out that the item is agendaized for direction. The Chairman directed staff to update it for the changes the Commission made and have it available for the meeting with the City Council.

*No legal action was taken.*

**6. Discussion/possible action regarding agenda items for the upcoming joint City Council/Planning and Zoning Commission meeting.**

Chairman Gillon indicated that the meeting is scheduled for December 16th and John O'Brien added that the Time Extension Criteria would be one item. John then indicated that Commissioner Losoff suggested that another item could be a discussion of the Council's expectations and/or understanding of the relationship and interactions between the Council, P&Z Commission and Steering Committee vis-à-vis the Community Plan process. What do they see the respective roles to be? Chairman Gillon agreed that there should be an agenda item like that, because at that point, the Steering Committee would have had a chance to have a go at the scope and maybe even start discussions in the two groups, if not between the two groups -- that would be a great time to discuss it and give us a chance to do some course correction quickly after getting the process started.

Commissioner Soutenet confirmed with staff that the joint meeting is December 16th at 3:30 p.m. and Mike Raber added that the Steering Committee will probably have had two meeting by then. Commissioner Soutenet asked if the Commission would get some feedback from the Steering Committee before that joint meeting with Council. Chairman Gillon indicated that there would be some feedback after every meeting, because he is a member of that Committee. John O'Brien added that the updates would be included in the P&Z agendas after November 16th.

Chairman Gillon indicated it is hard to know what the Steering Committee's agenda will be, but he would hope that we could urge it toward talking about the interactions between the Committee and the rest of the City at its second meeting. Mike Raber indicated that it is on the agenda for the first meeting, but realistically, there is so much on there, it could be the second meeting.

Vice Chairman Griffin suggested P&Z give its opinion on how P&Z feels it could interact with the Steering Committee, instead of asking the City Council, because they will be looking at it more from their interaction with the Steering Committee. He might want that to be structured a little differently. He is not saying tell them, but say how we feel we could be useful in this process; the

City Council isn't going to understand totally how we are in this process and we are the main body in the planning part.

Chairman Gillon suggested putting an item on the agenda for the first meeting in December to have a discussion within P&Z about what our role should be vis-à-vis the Steering Committee, and we could invite the Steering Committee Chairman to join us for that discussion, and then have a sort of a recap of that in the meeting with the City Council, and that would give the Steering Committee something to discuss in their December 9th meeting.

Vice Chairman Griffin indicated that the interaction with the Sustainability Commission would be something to just bring up in general, including entertaining the possibility of having somebody from P&Z be on there, because in the past there was a separation that wasn't ideal for the process. Commissioner Taylor questioned if you do that for Sustainability, why not for Housing? Vice Chairman Griffin responded that we didn't do it for Housing and it backfired on us, so we need to ensure we have some better contact. Commissioner Taylor repeated his question and John O'Brien explained that a lot of what they are doing now really doesn't need it, before ADUs and density were the big issues, but they are past that now.

John O'Brien indicated that an additional item would be the role of each Commission and how they need to interface with each other. Chairman Gillon pointed out that we need to be careful that we aren't playing into a vacuum, because that Commission doesn't even exist yet. John O'Brien restated that the Council is going to discuss the scope and work items for the Sustainability Commission next week. Chairman Gillon noted that might be a good point to interject that there is already a working team doing similar kinds of things for P&Z and we need to find the right relationship between those two groups. It would be a discussion of the Commissions and their interactions, and for example, sustainability.

Commissioner Taylor indicated that it seems that there would be no need for a Sustainability Committee; however, the Chairman pointed out that the Commission might address the educational and public outreach aspects of it, but when it comes down to the higher level policy level and ordinances, it has to go through P&Z, so there is a role for Planning & Zoning to play in that too. Part of the problem we encountered with Housing was that we didn't have that kind of coordination and by the time Housing's ordinances came to P&Z, we had a lot of objections. Commissioner Taylor indicated that he could see one or two P&Z Commissioners being on that Commission, with one committee.

John O'Brien indicated that would be three items for the joint meeting and should be plenty. Chairman Gillon indicated that if a Commissioner comes up with another brainstorm, pass it along to staff. John O'Brien also pointed out that Council wants to have more joint meetings with the Commissions. Vice Chairman Griffin recalled that the Commission got more time for a previous joint meeting, when there were important things to discuss, and Chairman Gillon requested that the Director remind the Commission of what is on the agenda for the joint meeting, in the updates under agenda item 2 in each meeting between now and December 16th.

*No legal action was taken.*

**9. Discussion/possible action regarding future meeting dates and agenda items:  
Thursday, October 28, 2010 (WS) and Tuesday, November 2, 2010 (R)**

Commissioner Soutenet asked about the recent application from Arizona Water Co. to put a water tank in the Forest Service. Since it would be within the city limits on Forest Service land, he



wanted to understand the authority of the jurisdiction or the relationship between the Forest Service and the City, and if there is anything the Commission would be part of in that process. John O'Brien stated that is part of the NEPA process, but it could be considered as a future agenda item.

John O'Brien summarized that October 28th is the work session at 3:30 p.m., and on that agenda, we have the Farmer's Market at Tlaquepaque plus the Falls at Oak Creek property based on Council's direction to revert it back to residential. The C-Market development is also coming back for an introductory work session. On November 2nd, the Commission will have action on the Farmer's Market and the reversion of the Falls at Oak Creek. There was a previous introductory work session on the Red Rock Rose Conditional Use Permit, but the applicant has decided to hold off and just occupy the interior of the building with her retail use to see how it goes. If that works out, she may return in the spring.

Vice Chairman Griffin requested that the new ADA requirements be added as a future agenda item also, because they could have consequences on redevelopment, etc. John O'Brien indicated that staff needed to get with the Engineering Department and Legal to sort out those requirements from a public sidewalk in a right-of-way to a private site. Staff needs to get together first, and then present that to P&Z. The Vice Chairman indicated that it should include at what stage in redevelopment that will be required, like if you move a wall, etc.

Chairman Gillon indicated that he would not be present for the November 2nd meeting and Vice Chairman Griffin added that he would not be present for the October 28th meeting.

*No legal action was taken.*

**2. Commission/Staff announcements and summary of current events by Chairman/staff (continued).**

John O'Brien indicated that since we have two applicants, including the Chairman, for two Commission vacancies and the deadline was today, staff will probably readvertise.

**10. Adjournment**

Chairman Gillon called for adjournment at 4:31 p.m., without objection.

I certify that the above is a true and correct summary of the meeting of the Planning & Zoning Commission held on October 19, 2010.

---

Donna A. S. Puckett, *Recording Secretary*

---

Date